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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/045,323	10/25/2001	Matti Saarinen	975.373USW1	2442

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EXAMINER

ORGAD, EDAN

ART UNIT PAPER NUMBER

2684

DATE MAILED: 02/12/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/045,323

Applicant(s)

SAARINEN ET AL.

Examiner

Edan Orgad

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 15 and 16 is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-6 and 8- 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hussain et al (US 6,163,700) in view of Johansson (US 5,946,612).

Regarding claims 1 and 8, Hussain teaches a method and associated device for measuring a usage of system resources in a communication network (see abstract). The device comprising means for measuring which radio resources are used by a transmission in a system (col. 3, lines 23-26); means for measuring which data service units are used for transmission in the system (col. 3, lines 34-37, data service units are defined by applicant as "hardware", determining which hardware is used can be defined as whether is a public subscriber or an LSA subscriber since its different hardware). Hussain further teaches both means for measuring are adapted for performing a respective collective measurement (col. 5, lines 15-45). However, Hussain fails to specifically disclose means for measuring which transmission characteristics are used by transmission in the system. However, applicant defines transmission characteristics as traffic parameters. Johansson teaches a method for performing local traffic measurements in a cellular network where a receiver measures the signal strength of transmissions from mobile stations transmitting and using those records to determine traffic volume information (col. 2, lines 37-45). Therefore, it would have been obvious to one of ordinary skill in the art at the time the

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invention was made to include Johansson's means of measuring which transmission characteristics are used with Hussain's already existing means of measuring radio resources used and which data service units in order to provide Hussain with traffic volume information which would not require the assignments of radio frequencies.

Regarding claims 2 and 9, Johansson teaches said transmission characteristics comprise an information transfer capability information (col. 2, lines 52-56).

Regarding claims 3 and 10, Hussain teaches a method and associated device comprising means for evaluating, detecting and identifying each respective dependencies of said system resource usage by evaluating measurement results of said means for measuring means (col. 6, line 10-25).

Regarding claims 4, 5, 11 and 12, Hussain teaches said device is part of a base station subsystem or the switching center of said communication network (col. 3, lines 19-41).

Regarding claims 6 and 13, Hussain fails to specifically disclose said associated device wherein transmission contains high-speed circuit switched data. However, official notice is taken that transmission containing high-speed circuit switched data is very well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include transmission containing high-speed circuit switched data with Hussain transmission method in order to provide mobile users at data rates up to 38.4 Kbps, four times faster than the standard data rates of the Global System for Mobile communication standard in 1999.

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Claims 7 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hussain et al (US 6,163,700) in view of Johansson (US 5,946,612) and further in view of Hakaste et al (US Patent # 6,377,817).

Regarding claim 7 and 14, Hussain fails to specifically disclose a method and associated device wherein said transmission contains data which is channel coded according to Enhanced Data rates for GSM Evolution. However, in the same field of endeavor, Hakaste teaches transmission containing data which is channel coded according to Enhanced Data rates for GSM Evolution (column 1, lines 22-30). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize Hakaste's transmission containing data which is channel coded according to Enhanced Data rates for GSM Evolution with Hussain's teaching in order to provide manufacturers with the option to provide lower cost mobile equipment.

Allowable Subject Matter

Claims 15 and 16 are allowed; see reasons for allowance in office action # 11 dated 12/17/02.

Response to Arguments

Applicant's arguments with respect to claims 1-14 have been considered but are moot in view of the new ground(s) of rejection.

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Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US 6,359,557: Monitoring and notification method and apparatus.


US 6,256,490: Method and apparatus for providing a cell traffic supervision alarm.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edan Orgad whose telephone number is 703-305-4223. The examiner can normally be reached on 8:00AM to 5:30PM with every other Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay Maung can be reached on 703-308-7745. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Edan Orgad


Feb. 6th, 2004


NAY MAUNG
SUPERVISORY PATENT EXAMINER